THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18856 of 1998

Dated : 14.03.2007

Between:

G.Anjinappa S/o Thimmaiah and another.

… **PETITIONERS**

And:

The District Collector/Chairman, DPAP, Chittoor
and others.

….**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18856 of 1998

ORDER:

Petitioners' lands are sought to be acquired by issuance of a notification dated 20.06.1998 under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act'). Urgency clause has been invoked under Section 17 of the Act and enquiry under Section 5-A of the Act has been dispensed with. The grievance of the petitioners is that urgency clause has been invoked mechanically and possession of land also sought to be taken, without affording any opportunity to them. Hence, this writ petition is filed seeking to set aside the notification, dated 20.06.1998, issued under Section 4(1) of the Act.

Despite service of notice the respondents have not chosen to file any counter.

While issuing rule nisi on 14.07.1998, this Court directed the respondents not to dispossess the petitioners from the lands in question. As the respondents have not controverted the contentions put forth by the petitioners by filing any counter, this Court accepts the contentions put forth by the petitioners.

Therefore, the writ petition is allowed setting aside the notification dated 20.06.1998. There shall be no order as to costs.

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14.03.2007

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